

1888-012 Chancery Causes: Cone Shields & Co] vs. H. D. Litton &
Lee Co.

Cone, Shields, Stout, Cowan, McClung, Dickenson, Thomas,
Rhea, Cowan McClung & Co], Orr

CA-Debt

T-Property
Migration

To the honorable H. S. K. Morrison Judge
of the Circuit Court of Lee County Va.

Humily Complaining, your orators M. A.
Cane, Cesar Cane, J. T. Shields & James S.
Shields Merchants & partners trading under
the firm, name & style of Cane Shields &
Co, would respectfully shew unto your
honor, that A. D. Litton, ^{late} merchant, of said
County, is justly indebted to them in the
sum of \$161.30, for goods wares & merchan-
-dise heretofore sold & delivered by your
orators to said Litton, at his special instance
and request, an account of which is
herewith filed marked, "A" as part hereof;
^{no part of which has been paid;}
that the said Litton has recently removed
from this State and become a citizen of
the State of Texas, and now resides there;
that he has a debt owing to him from one
Wm L Stout of this County, that will become
due and payable in the ^{1st day of May 1888,} ~~near future~~, of
~~about~~ \$65.00. The object of this suit therefore
is to obtain a decree in favor of your
orators against said Litton for the amount
of their said debt, and to attach and sub-
-ject to the payment thereof the debt due
or to become due from the said Wm L
Stout to said Litton. The prayer of your ora-
tors therefore is that the said A. D. Litton &

M^r L Stout he made the parties defendants
to this bill, and required to answer the same
on oath; that the said M^r L Stout answer
and state how much he owes the said
H. D. Litton and when the same will become
due; and on a hearing that a decree be
rendered in favor of your orators against
said Litton for the amount of their said
debt, and that the said Stout be decreed
to pay to your orators the amount he owes
to said Litton, and for all further & general
relief, May Opa with attachment be issued
directed &c. And your orators will ever
pray &c.

Richmond & Orr, attys
for Complainants.

C 6.16 to Aug, 86
 S 50
 Pr 5.00
 Cr 15.00
\$ 26.66

Added 1.44
 C 6 25
 Check 248

Cone Shields & Co.

Bill in Chy

H. D. Litton et al

1887 July Bill filed Spas
 Exd on home deft & d. t.
 order sub. & Cont'd

" Aug. D. W. Gufd Order sub
 Completed & Cause set for hearing

" Aug Decree & Cont'd
 1888 Apr. Decree & Cont'd

" Sept Continued

" Decr. Decree final

Leavon M. Baugh
 Recover against
 Cone Shields & Co
 Costs as follows

C 6.02
 S 90
 Wit 1.50
\$ 8.42

To the Honorable H. S. K. Moorison
Judge of the Circuit Court of La Co. 7th

Your petitioners, James T. Leaven
F. H. McLaugh, L. J. McLaugh, Matthew
McLaugh, A. Dickerson, Jacob L. Thomas
as, and other merchants and part-
ners in trade trading under the firm
and style name of Leaven, McLaugh
Co. humbly complaining would re-
spectfully represent unto your Honor
that they are the assignees of a
certain bond for \$65.00 executed by
H. L. Slack - on the 10th day of January
1887, and due on or before the 1st of
January 1888; that this assignment
was made by H. D. Litten to your
petitioners for valuable consid-
eration and long before the filing of
the bill of Leaven, Shields & Co. vs.
H. D. Litten and H. L. Slack for the pur-
pose set out in said bill and proceed-
ings.

Your petitioners upon these
facts as above alleged are advised
that they have the equitable right
by reason of said assignment to the
property in said bond. Hence their
prayer is, that they be permitted

to be made parties to said bill of
lance, Shields & Co., and that they
be permitted to ~~make~~ assert their
rights in said band, and that plaintiff
aforesaid be required to amend
their bill, making these parti-
tians parties defendants, so that
they may be enabled to set up
and assert their rights in the
said band. And such other fur-
and general relief as may be
required by conscience & equity.

And they well seen foray &c.

Wm. C. & Pennington

P. 275

Sworn to before me by
E. W. Pennington Sept 27 1887
J. A. Hyatt

Levan M. Clungho
vs Petitioner

Levan Shields & Co. Vals

Filed in office court
by leave thereof Sept. 2nd
1887. J. A. Hyattce

To the Honorable H. S. K. Morrison Judge
of the Circuit Court for the 7th

The Answer of W. L. Stant-
to a rule made and pronounced
on the 2nd day of Sept. 1887 in
the chancery cause of Leone,
Shields & Co. vs. H. S. Little et-
now pending in the Circuit Court of the County of Vt.
al, and for answer thereto or
to so much thereof as he is ad-
vised it is material he should ^{answer}
answer and says, That it is
true that he executed a note
on the 10 day of Jan. 1887 ~~to~~
~~pay~~ to H. S. Little for \$65-
one Jan. 1st 1888, and that
he still owes said debt; that
he is informed that pretty
soon after the execution of said
note to said Little, he ^{the} said
Little assigned the same to
Leona W. Colby & Co.; and
that this assignment was
made before the attachment
of Cam Shields and Co was
served upon your respondent;
But your ~~first~~ respondent a-
vows he knew nothing of this
assignment until after said
attachment was served out a-
gainst and served upon him.

That part of said rule re-
quiring your respondent to an-
swer and show to whom this sum
of money should be paid, he
says he is not sufficiently
advised as to the facts in the
cause and the law appli-
cable thereto. Your respon-
dent states he is willing and
ready to pay said sum at
any time and to whomsoever
your honor may direct.

Now having fully an-
swered he prays to be leave
dismissed with his reason-
able costs in this behalf
expended. And he will ever
pray &c.

E. W. Pennington

for respondent.

Sworn to before me by W. L. Stout
April 27 1888

J. A. Hyatt

W. L. Stout -

acts } Assumed to be

Leane Shields vs

Filed in open court
by leave thereof
April 27 1888.

J. A. Hyatt

Cause Shields & Co

Plffs

^{vs}
J^m D. Littou et al

3 In chcy,
Dft

and

Cause Cowan M^cClung & Co

Plffs

^{vs}

3 on Petition in chcy.

Cause Shields & Co

Dfts.

The, ~~in~~ ⁱⁿ directing an issue to be
tried on the law side of This Court to deter-
mine who is entitled to the debt due from
J^m L. Stout to H. D. Littou is set aside by
consent and the whole matter of fact like-
wise by consent, is submitted to the Court
and thereupon said causes came on to be
heard upon the papers formerly read,
and was argued by counsel and the Court
being of opinion that the said, Cowan
& M^cClung are entitled to said money it is
adjudged ordered and decreed that J. A. G. Hy
att in whose hands said money now is pay
the same to said Cowan M^cClung & Co
and it is also adjudged that the said Cow-
an M^cClung & Co receive from the said
Cause Shields & Co the costs of said petition
to be taxed by the Clerk, and it is
further adjudged and decreed that
said Cause Shields & Co receive against
the Dft H. D. Littou the sum of

6 am Shells &c

25 3 Beavers

H.D. Kittling

Entered Dec. 8/88

Chas. O.B. 187

W. H. T. C.

Enter this name

H. H. M.

Dec 8th 1888

16/30 with legal interest Thence from
The land of Merck 1855 till paid and
The said of this unit and this name is
The said from the said it.

Loane Shields & Co

Plff

vs

3 In chcy

H. D. Kilton et als,

Dfts.

This cause came on this day to be heard upon the papers formerly read the petition of Loane M^cClung & Co, the answer of H. D. Kilton this day filed and was argued by counsel.

On consideration whereof, and it appearing to the Court that, Loane M^cClung & Co, are asserting their right to said debt attacked, and it is ordered that upon the execution of bond by the said Loane M^cClung & Co or by some one for him, before the Court of this Court in a penalty of \$25⁰⁰, conditioned to pay all costs that may be adjudged against them should their petition be decided adverse to them, an issue be and the same is hereby created to be tried at the bar of this Court on the law side thereof to ascertain and determine who is entitled to said debt, Loane M^cClung & Co or H. D. Kilton & Co and upon the trial of said issue. The said Loane M^cClung & Co shall be the plaintiffs and Loane Shields & Co shall be the defendants, and till till the coming in of the verdict of said jury said cause is continued.

Wm. S. L. L. L. L.

no. 7 records

H. M. L. L. L.

Letter - Choy 1853.

pages 112.

W. S. L. L. L.

Letter

1853

1853/55.

Virginia

At a Circuit Court continued and
held for Lee County at &c Sept 2, 1887.
Come Shields & Co Defts }
vs } Embury
J. D. Littow et al Defts }

a rule is also directed
to issue and be served on W. L. Stout
to appear at the March Term 1888, of
this Court, to interplead with Petitioners
and Defts, as to the debt in the bill
mentioned, and to show to whom
the same shall be paid # # #

Attest
Lester J. H. H. H.

Corn Shields & Co

no ²/₃ Copy to be

of J. D. Littow et al

I accept legal
service of this
notice
W. L. Lott

Cone, Shields, & Co., Campello.

or

H. D. Litten et al

Deft.

In Chan.

This came on this day to be heard again upon the papers formerly read in the cause, & the petition of Leaman, McLaughlin & Co., filed in open court, and was argued by counsel. On consideration of all which it ordered, adjudged and decreed that the decree entered in the above styled cause on Sept. 1st 1887 is annulled, and set aside, in so far as it decrees the debt in here mentioned due by St. R. Stout to H. D. Litten to be paid when due to said plaintiffs, and in regard to which debt ~~200~~ decree is now made but all questions of Stout's liability to Plaintiffs, or to Litten or to Petitioners are expressly reserved for future adjudication; a rule is also directed to issue and be served said St. R. Stout to appear at the next term of this court to interplead with petitioners & Defts. as to the debt in the here and proceedings mentioned and show to whom the same should be paid; that H. D. Litten and Leaman, Shields & Co., who appear by counsel and waive answering process be made parties Defts to said petition, and they have leave if so advised to file such pleadings as is proper to assert or defend their claims to said debt. And this cause is continued

Bane Shields & Co

Plffs.

against

In chancery.

H. D. Litton & Wm L Stout Defts

This cause came on this day to be heard upon the bill of the complainants & exhibit therewith, the process and attachment duly executed on the defendant Wm L Stout, the order of publication duly made, posted & published as the law directs against the nonresident defendant H. D. Litton, and which has been completed the time required by law, before the commencement of this term of the Court, and was argued by counsel.

And said defendants failing to appear, it is adjudged, ordered and decreed that the plaintiffs recover against the defendant, H. D. Litton \$161.30 with legal interest thereon from the 28th day of January 1887, until paid, and the costs of this suit, and it appearing from the allegations of the bill that the defendant Wm L Stout is indebted to said Litton in the sum of \$65.00 to become due and payable on the 1st day of January 1888, ~~and that he has been served with a copy of the attachment issued in this cause~~ it is ordered that said Stout pay said sum of \$65.00, when the same becomes due, to the plaintiffs, ~~and if not so paid, execution in part satisfaction of this decree,~~ and if the same is not so paid by said Stout to the plaintiffs, ^{when due} they may have execution therefor. And the cause is stricken from the docket.

*But before the plaintiffs shall have the benefit of this decree they are required to execute bond before the Clerk of this Court in the penalty of \$400 - conditioned according to law.

Loane Shields & Co.

vs { Decree ~~Final~~

J. D. Little et al.

Entered in page 58

C. D. 12000. No. 3.

J. A. G. Thwait & Co.

Enter this Decree

H. S. N. N.

Sept 1st 1887.

Virginia Lee County to wit.

This day James H. Orr personally or
lawful agent was sworn to make oath that J.
D. Little is as he is informed and believed
a non-resident of the State of Virginia
given under my hand May 5th 1857.

J. A. Little C. C.

Object to recover from C. L. Litterton \$161.80
+ interest thereon, subject to the payment thereof,
and to ~~attach~~ the debt due
said Litterton from his co-defendant J. L. San
which has been attachment for the purchase, &c.

Wm. Childs & Co.,
vs J. L. Litterton &
J. L. San

Wm. Childs & Co.

Filed May 31st 1887.

J. L. Litterton

Virginia

At a Circuit Court continued
held for the County of the Court House
Ting on Sept. 1st 1887

Case Shields vs.

W. L. Stout

vs.

John Chesney

vs. D. L. Lottum et al.

vs.

The case came on to be heard upon the
papers formerly made on the same and the
petition of John Chesney be filed in
Open Court & was argued by Counsel
on consideration of all which it is adjudged
ordered & decreed that the decree entered
in the above styled case on Sept. 1st 1887 be
reversed & set aside in so far as it directs
the debt on the bill mentioned due by W. L.
Stout to D. L. Lottum to be paid when due
to said plaintiff and in regard to what
debt no decree is now made but all questions
of debts indebted to plaintiff or to Lottum or
to petitioners are expressly reserved for future
determination. It will be also directed
to issue & be served on said W. L. Stout
to appear at the next term of this Court
to explain the petitioners and plffs
as to the debt on the bill & proceeding.
motion and show to whom the same
shall be paid that D. L. Lottum & John
Chesney be also appear by counsel &c.

course service of process be made
for two defendants to said petition
they have been ordered to
file such pleadings & answer to
motion before their answer is
made before the court at Richmond

Copy

Wm J. S. Hyatt, S.C.

For checking up

12.3 Copy of 2.2

H. P. Hutton et al

Executed by
clerkship on offer
Copy of the notes
to W. J. S. Hyatt
January, 1898
H. P. Hutton, 28
for H. P. Hutton
S. S. H.

Shubert 7
Shubert 50 cent

STATEMENT.

Knoxville, Tenn. Jan'y 28 1887

H. D. Lytton

Rockey Station

Cone, Shields & Co. Jr

Wholesale Grocers and Manufacturers of Tobaccos.

230 EAST GAY STREET.

Folio 656

TERMS CASH.

Interest at 6 per cent. after 60 days.

| | | | | | |
|------------------------|---|----------------------|----|----|-----------|
| 1885 | | Bal. Last Statement. | | | |
| Nov | 4 | To Bill Rend." | 66 | 30 | |
| ¹⁸⁸⁶ mch | 4 | | 52 | 75 | |
| " | 5 | | 7 | 80 | |
| Apr | 5 | | 68 | 79 | |
| | | | | | \$ 195 14 |
| mch | 2 | Cash | | | 40 00- |
| | | | | | \$ 155 14 |
| | | | | | 6 16 |
| | | | | | \$ 161 30 |
| | | | | | 50 |
| | | | | | \$ 161 80 |

State of Tennessee, County of Knox.

Personally appeared before the undersigned, a Notary Public in and for said County, duly commissioned and sworn, J. S. Shields to me well known, and made oath in due form of law, that the account against H. D. Lytton, (Rockey Station Jr) amounting to one hundred, sixty one and 30/100 DOLLARS, is correct and is justly due Cone, Shields & Co. of which firm he is a member after the allowance of all credits to which the said H. D. Lytton is entitled as he verily believes.

Subscribed and sworn to before me this 29 day of Jan'y 1887

J. S. Shields
Notary Public

4

Know all men by these
presents that we C. T. Duncan
and E. H. Pennington are held
and firmly bound unto the Smith
& Virginia in the just and full
sum of 25¢, and for the prompt
payment thereof well accepted
to be made unto said Commonwealth
we each bind ourselves heirs &c
and as to this bond we assign
our connected property as
witness our hands and seals
this 11th day of Sept. 1885.

The condition of the above
obligation is such, that whereas
Leowan McBlount, filed by leave
of the Court a petition asserting certain
rights in the Chancery Cause of
Cane Shields &c vs W. D. Little
&c. Now therefore should the
said Leowan McBlount &c, on some
one for them pay such costs as may
be awarded against them should their
petition be dismissed, then this obligation
to be void otherwise to remain in
full force and virtue

E. H. Pennington

C. T. Duncan

200
200
200

1
Comm. Shields & Co

vs } Book B

H. O. Little & Co

Virginia

At Rules held in the Clerk's office
of the Circuit Court for Lee County
Cone Shields & Co. Deft }
vs } In Chap.

A. D. Litton et al Deft }
vs }

The object of this suit is to recover
against the defendant A. D. Litton
\$161.80 the debt in the bill mentioned
+ interest thereon, and the costs
of this suit, and to subject to the
payment thereof the debt due
said Litton from his Co. defen-
dant W. L. Stout which has been
attached for the purpose; and
it appearing from an affidavit
filed in this cause that the
defendant A. D. Litton is a
non-resident of this State;
It is therefore ordered that
he appear here within one
month after due publication
of this order and do what may
be necessary to protect his
interest in this suit.

A Copy

Recorded & Cor. R. G. Teste J. A. Hyatt & Co

James H. H. Co.
No 3 Order Pub.

A. L. Litterstad
I certify that I
delivered to the
Deputy, an office
copy of this order
for Publication
on the 6th June 1887,
and posted a like
copy thereof on the
front door of Lee St.
at the corner of the
County Court 1887.

J. A. Litterstad

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Creeting:

WE COMMAND YOU to summon

V. O. Litter and
Wm. L. Stout.

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in *June* next, being Rule Day, to answer a

Bill in Chancery exhibited in our Court against *them*, by *W. A.*
Come Caesar Come, J. I. Shields & James I. Shields
Merchants & Partners trading under the firm name
and style of "Come Shields & Co."

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this *31st* day of *May* 188*7* in
the *111* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

1240

George Spink & Co
vs ^{vs} Spaulding
H. D. Littleton

Ex parte Rules 1882

^{Wm. S. Ely}
Executed on ~~the~~
his. bearing to him
an attested office copy of
the within writ & attachment.
Done Oct 1887.

R. D. Quincy, S. & C.

done in

made in and the same being
the first of said writ and the
copy is to be made by you in the
in the office of the clerk of the court
and the writ and the same in the hands of
attached so to do and in the office of the clerk
of the court and to be made by you in the
of the court.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

W. L. Street

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *2nd*
day of *December* term next to testify and the truth to speak in behalf of
Leone Shields & Co in certian matters of controversy
pending in our said Court between

Leone Shields & Co

Plaintiff, and

Leone Shields & Co

Defendants. And this *he* shall in no wise

omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,

Clerk of our said Court at the Courthouse.

This *26th* day of *Novr.* 18 *88*, in the *11th* year of the Commonwealth.

J. A. G. Hyatt Clerk.

Come Shillster

and J. Spa

Wm. M. Whipple

To E. H. B. B. B. 1888

Executed November
the 30 1888

R. D. Flannery S. J. L.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

Jack Jesse
and John Jesse

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *2nd*
day of *December* term next to testify and the truth to speak in behalf of
Leowan McLung & Co in certain matters of controversy
pending in our said Court between *said*

Leowan McLung & Co
Plaintiff, and

Carrie Shields & Co
Defendant. & And this *they* shall in no wise
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This *26th* day of *Novr.* 18*88*, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

Cowan McClinton
vs 3 Sha

Come Shields & Co

To 2^d day Dec. 7. 1888

Executed
November 30. 1888
R. G. Flanory S. L. C.

Jonesville Va Aug 22/87
I J. Jeff Deff, Publisher of the Va Her-
ald, a weekly newspaper pub-
lished at Jonesville Lee County
Virginia do certify that the
aforesaid Chancery order was
published four successive weeks
in said newspaper, publica-
tion ending July 15th 1887
J. Jeff Deff Pub.
Publication Fee of \$5.00 is
unpaid,

VIRGINIA: At rules held in the clerk's
office of the circuit court for Lee county,
on Monday the 6th, day of June, 1897.

Cone, Shields & Co, Plts.

vs.

H. D. Litton Defts.

In Chy.

The object of this suit is to recover
against defendant H. D. Litton \$161.80
the debt in the bill mentioned and inter-
est thereon, and the costs of this suit and to
subject to the payment thereof the debt
due said Litton from his co-defendant W.
L. Stout, which has been attached for the
purpose; and it appearing from an affida-
vit filed in this cause that defendant H.
D. Litton is a non-residence of this State.
It is therefore ordered that he appear
here within one month after due publi-
cation of this order and do what may be
necessary to protect his interest in this
suit.

A copy Test,

J. A. G. HYATT, C. C.

Richmond & Orr, P. O.

Cone Shields & Co
T.S. Pub
Certificate
A.L. Sillou

Order of Publication

Pub for \$500

R.O.P.Q.